

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TITUS HENDERSON,

Plaintiff,

v.

TEXTBEHIND, TEXTBEHIND CEO & COO,
SARAH COOPER, KEVIN CARR, DYLAN RADTKE,
CAPT. CUSHING, JOHN KIND,
CAPT. SWEITOWKOWSKI, SGT. REIGNEIR,
SGT. GREEN, SGT. STINKE, SGT. ELSINGER,
SGT. WALTON, HAINES, HOFMAN, A. WICKMAN,
and POSTMASTER GENERAL,

Defendants.

ORDER

23-cv-2-jdp

Plaintiff Titus Henderson filed this lawsuit contending that prison officials violated his constitutional rights by contracting with a private company to process all incoming mail instead of having prisoners receive that mail directly. I dismissed the case after Henderson failed to submit an initial partial payment of the filing fee as calculated by the court. Dkt. 18. Now Henderson has filed a motion seeking to hold the Green Bay Correctional Institution warden in contempt for failing to send the court that initial partial payment, or in the alternative, to waive that initial payment. Dkt. 19.

I will deny that motion. There isn't any reason to hold the warden in contempt: Henderson has a \$0.00 account balance, and inmate grievance documents that Henderson submits with his motion show that he hasn't had any deposits in his account for the warden to submit to the court as his initial partial payment. *See* Dkts. 9 and 20. In any event, I won't waive the initial partial payment because further examination of Henderson's cases in other courts reveals that he was not eligible for in forma pauperis status—he has “struck out” under

28 U.S.C. § 1915(g) by bringing lawsuits or appeals that were dismissed because they were frivolous or malicious or they failed to state a claim upon which relief may be granted. *See Henderson v. Wall*, No. 19-cv-748 (E.D. Wis. Dec. 26, 2019); *Henderson v. Wall*, No. 20-1455 (7th Cir. Nov. 3, 2021); *Henderson v. Boughton*, No. 20-cv-1593 (E.D. Wis. Apr. 27, 2022). This case about prison mailing procedures does not fit within the imminent danger exception to § 1915(g). I will revoke Henderson's in forma pauperis status and give him a short time to pay the entire \$402 filing fee to reopen this case.

ORDER

IT IS ORDERED that:

1. Plaintiff Titus Henderson's motion for contempt or for waiver of the initial partial payment of his filing fee, Dkt. 19, is DENIED.
2. Plaintiff's in forma pauperis status in this case is REVOKED.
3. Plaintiff may have until November 28, 2023, to pay the entire \$402 filing fee to reopen this case.

Entered November 7, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge